UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,007	12/30/2003	Reinhold Kautzleben	6570P047	9317

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SAP/BLAKELY
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

EXAMINER
NOONAN, WILLOW W

ART UNIT	PAPER NUMBER
2146	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/750,007	KAUTZLEBEN, REINHOLD
	Examiner	Art Unit
	WILLOW NOONAN	2146

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *18 January 2008*.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-31* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) *1-31* is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on *30 December 2003* is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
      1. ☐ Certified copies of the priority documents have been received.
      2. ☐ Certified copies of the priority documents have been received in Application No. _____.
      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/18/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 08-06)   Office Action Summary   Part of Paper No./Mail Date 20080521

DETAILED ACTION

1.   The instant application having Application No. 10/750,007 has a total of 31

claims pending in the application; there are 3 independent claims and 28 dependent

claims, all of which are ready for examination by the examiner.

Response to Arguments

2.   Applicant's arguments with respect to all claims have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-3, 5-14, 17-24, and 27-31 are rejected under 35 U.S.C. 102(b) as being

unpatentable over **Jung** (U.S. Patent No. 6,308,208) in view of **Gorman** (U.S. Patent

No. 6,795,791).

Regarding claims 1, 12, and 22, Jung teaches a monitoring system comprising a

cluster of application servers communicatively coupled on a network to server

applications over the network to a plurality of clients (*see* Jung at col. 1, lines 5-10,

"implementing a monitoring task across distributed computer resources in the

environment"), each of the application servers comprising a plurality of server nodes (*see* Jung at col. 2, lines 17-24, "As a concrete example, a cell representing a database server resource is an observer of cells representing disk drives, operating systems, and application processes. Thus, the database server may be construed as a "master" resource comprising a set of computing resources (e.g., disk drives, operating system and application processes) whose individual states may impact the state of the master resource."). Jung further teaches a plurality of management bean ("MBean") servers associated with the server nodes of the application servers. *See* Jung at col. 2, line 65 – col. 3, line 2 ("Each cell is associated with a respective on of a set of given computing resources"). Jung teaches a plurality of runtime MBeans associated with specified resources on each of the server nodes, each runtime MBean registered with at least one of the individual MBean servers, each of the runtime MBeans collecting and reporting monitoring data for its associated resource. *See* Jung at col. 6, line 65 – col. 7, line 5 (describing how the each monitoring agent is responsible for monitoring the resources in its cell). Jung further teaches notification logic to generate notification in response to certain specified events associated with certain resources of certain MBeans, the notification logic distributing the notifications across all, or a subset of, the server nodes of the cluster. *See* Jung at fig. 7 (illustrating the process of propagating state changes to other server nodes).

Jung does not teach the MBean server comprising a plurality of monitor MBeans generated by a monitor server, or the runtime MBeans being mapped to at least one of the monitors MBeans. However, Gorman teaches that it is well known to use monitor

MBeans mapped to runtime MBeans. *See* Gorman at col. 1, lines 59-67 ("The system

utilizes a generator bean to generate a signal. ... A monitor bean is used to monitor the

signal being generated. A notification is created by an MBean in response to the

monitoring, such as may notify a user or application that the signal has reached a

certain value, or may store the current value to a data store"). Gorman further teaches

that the monitor MBeans may be registered with a MBean server. *See* Gorman at fig. 1.

It would have been obvious to one of ordinary skill to use Gorman's technique in

Jung's system, because Gorman teaches that the disclosed invention is useful for

managing computer resources. *See generally* Gorman at col. 1, lines 25-56.

Regarding claims 2, 13, and 23, Jung teaches that each server node is assigned

a dedicated MBean server. *See* Jung at fig. 5.

Regarding claims 3, 14, and 24, Jung teaches a dispatcher node configured

within each application server to distribute client requests to each of the server nodes.

See Jung at col. 6, lines 35-43 ("the dispatch mechanism compiles the appropriate Java

class files (preferably based on the task or some characteristic thereof) and dispatches

the applet (as the software agent) in the network. An applet is then executed on the

JVM located at a receiving node"). Jung teaches that the dispatcher has a dedicated

MBean server associated therewith to monitor resources within the dispatcher wherein

MBeans associated with the resources generate notifications via the notification logic in

response to specified events. *See* Jung at fig. 5; Jung at fig. 8 (illustrating that the

single high-level master resource has an associated monitoring cell); Jung at col.7-8

("Thus, the cellular automaton includes a control mechanism for propagating changes in

the attributes of any cell to all observers of that cell … [effecting] automated distributed monitoring in a large distributed computing environment")

Regarding claims 6, 17, and 27, Jung teaches that among the attributes monitored in a cell are the individual *states* of constituent resources. *See* Jung at col. 2, lines 20-24.

Regarding claims 7, 18, and 28, Jung teaches a graphical visual administration interface configured to generate graphical images representing the notification. *See* Jung at col. 8, lines 50-67 ("changes to those cells are then propagated to operator consoles, which preferably use visual user interface techniques to provide an operator with a dynamic view of the state of selected resources in the network").

Regarding claims 8, 19, and 29, Jung teaches that the application servers comprise Java enterprise servers and wherein the notification logic comprises a notification service executed on one or more of the Java enterprise servers. *See* Jung at col. 6, lines 22-43.

Regarding claims 9, 20, and 30, Jung teach that each MBean reports MBean notifications to the notification logic through its respective MBean server. *See* Jung at col. 8, lines 37-39 ("As monitor values change across the lower level cells, such changes get propagated automatically (e.g., as events) to the higher level cell, which includes its own monitor").

Regarding claims 10, 21, and 31, Jung teaches a central database to store monitor configuration data defining the resources to be monitored and the events to generate the notifications. *See* Jung at col. 6, lines 1-7 ("Manager preferably also

includes a database including information identifying a list of all machines in the

distributed computing environment that are designed to be managed").

Regarding claim 11, Jung teaches connector associated with each MBean server

to communicatively couple each MBean server to the notification logic. *See* Jung at col.

8, lines 6-8 ("Resulting state changes are in turn propagated through the automaton by

the control mechanism 55 as previously described. The control mechanism is preferably

implemented in each software agent").

5.   Claims 4-5, 15-16, and 25-26 are rejected under 35 U.S.C. 103(a) for the

reasons set forth above, further in view of **Tsun** (U.S. Patent App. Pub. No.

2004/0148610).

Regarding claims 4, 15, and 25, Jung does not teach that one of the specified

events comprises a value associated with a resource reaching a first threshold value.

Tsun does teach it is well known to use threshold triggers in network elements. *See*

Tsun at p. 5, paragraph 46 ("threshold normal values"). It would have been obvious to

one of ordinary skill in the art at the time the invention was made to use Tsun's

thresholds in Jung's system because Tsun discloses a related system for monitoring

tasks on a network computer. *See generally* Tsun, *Abstract*.

Regarding claims 5, 16, and 26, Jung does not teach that one of the specified

events comprises the value associated with the resource reaching a second threshold

value, the second threshold value representing a critical resource value. Tsun does

teach it is well known to use second critical threshold trigger. *See* Tsun at p. 5,

paragraph 46 ("threshold critical values").

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

7.   Please see the included *Notice of References Cited* for additional prior art

considered pertinent to applicant's disclosure but not explicitly relied upon in this action.

8.   The examiner requests, in response to this Office action, support be shown for

language added to any original claims on amendment and any new claims. That is,

indicate support for newly added claim language by specifically pointing to page(s) and

line no(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

9.   When responding to this office action, Applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

10.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willow Noonan whose telephone number is (571) 270-1322. The examiner can normally be reached on Monday through Friday, 7:30 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Pwu can be reached on (571) 272-6798. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Willow Noonan/

Examiner, Art Unit 2146

/Jeffrey Pwu/

Supervisory Patent Examiner, Art Unit 2146